



CITY OF CONCORD

NEW HAMPSHIRE

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ECONOMIC DEVELOPMENT ADVISORY COUNCIL

Minutes

March 5, 2010

7:30 A.M.

The meeting convened at Concord Litho, 92 Old Turnpike Road, Concord. Coffee and refreshments were served compliments of Peter Cook.

Chairperson Carley called the meeting to order at 7:35 A.M.

PRESENT: Allen Bennett, Tim Bernier, Christopher Carley, Maura Carroll, Byron Champlin, Peter Cook, Michael DelloIacono, Larry Gloekler, John Hoyt, Jan McClure, Dan St. Hilaire, and Claudia Walker

ABSENT: Mark Coen, Bill Norton, and Stephen Heavener

STAFF: Carlos P. Baía, Deputy City Manager - Development
Matthew R. Walsh, Assistant for Special Projects
Bev Rafferty, Administrative Assistant

I. MINUTES OF THE FEBRUARY 5, 2010 EDAC MEETING

Chairperson Carley requested edits to paragraphs 3 and 5 on page 3. He felt clarification was needed to indicate the limitations to the practical enforcement of electronic sign changes and he noted that his comments in paragraph 5 were in reference to Mayor Bouley's comments from earlier in the meeting.

EDAC members present agreed with this clarification. Byron Champlin made a motion to accept the minutes as amended; seconded by Dan St. Hilaire; motion passed unanimously.

II. EDAC REGULATIONS SUB-COMMITTEE FINAL REPORT - CONTINUED REVIEW AND DISCUSSION

Discussion began with page 4, item 5 "in-law" apartments. Tim Bernier serves as EDAC's representative on the Housing Commission and indicated this issue had been debated by that group. The question is how do you limit duplexes and the in-law apartments? Mr. Bernier referenced the February 2010 minutes where it was stated that some towns have a square foot maximum for these apartments. There is general support from the housing commission with this concept with some limitations.

Councilor McClure expressed concern about increased density. It was suggested that a regulation governing the maximum square footage of the accessory unit could be a means to restrict these from being de facto additional apartments.

Discussion continued about applications coming before zoning. Most requests are for one bedroom apartments with a sitting area and kitchenette. John Hoyt noted their elderly units are 700 square feet with a bedroom, bath, kitchen area and sitting area.

As discussion continued, Chairperson Carley noted that EDAC had not gotten into specific details of unit size, number of parking spaces, etc. These are items that would be decided by the City Council. Claudia Walker inquired if means of egress for fire safety would be a requirement for such a unit. Carlos Baía believed a separate entrance would be required but noted that one means to demonstrate that the unit is accessory is to have some type of connection to the main living space of the principal residence.

Chairperson Carley proposed that in-law apartments be made legal but regulate them with square foot limits. Jan McClure inquired how this would be enforced.

Tim Bernier noted the apartment should not be restricted to family relatives but regulate the size so it can be used by anyone not just a family member.

The issue of density was re-visited. Jan McClure noted that additional density may be desired within the urban growth boundary (UGB) where the city already has infrastructure but expressed concern about areas outside the UGB. A number of members on EDAC viewed allowing such accessory units as a quality of life issue.

Maura Carroll remarked that in-law apartments may be the only option for some families other than using institutions. Reliance on the latter could affect quality of life of not only the families but also the wider community which might now be tasked with caring for these individuals.

After some further brief discussion, the consensus—with one “no” vote—was to recommend allowing “in-law” apartments in all residential zones and to suggest that possible standards for defining the use might include restrictions on the total area of the new unit or a requirement that the entrance be integrated with the entrance of the existing house.

Item 6: Allow condex/duplex development in the RO zones: Currently in the RO zones only single family dwellings are allowed.

Tim Bernier believed that accepting this recommendation would not mean the proliferation of duplexes in the RO. His experience led him to conclude that this would be limited and based on the specific circumstances of a project. In speaking with a local developer he learned that the numbers simply don't work for most duplex construction in the Concord RO district. He continued that the market has to be just about perfect to make a duplex workable. Nonetheless, this recommendation creates an opportunity for a variety of housing and that is why it is recommended. Mr. Bernier also continued that he does not feel the increase in density would be significant.

Jan McClure referenced what Mayor Bouley had noted at last month's EDAC meeting, that we need to expand the city's tax base. She noted 15 miles of new road had been built in the city over the last 10 years. These are roads that the City has to maintain. In addition to new roads, residential development in the RO triggers other local government service demands (police, fire, etc.). She stressed the need to develop/redevelop in the downtown and within the urban growth boundary where we already have infrastructure.

Tim Bernier inquired about the opportunity for growth in the Urban Growth Boundary. Where is the future workforce going to go? Mr. Bernier did not see any realistic residential opportunity in the UGB leading him to conclude that many people are forced to drive to Concord to work.

There was discussion of the suggestion that commuters to Concord pay no local tax but do add expense by their use of roads. Carlos Baía noted that if you look at the numbers, commercial development offers the best return to the city measured by income over expense. Mr. Bernier acknowledged that Concord draws people in to shop and we have a huge strength there. If we push residential to Bow or Webster, however, Mr. Bernier felt that commercial stores will build there, if that's where the people are, rather than in the central city.

Jan McClure noted we are only just starting this so it will depend on how the trend goes. If we become a vibrant entity, people will still come to Concord. Maura Carroll noted we need to look at a balance. Claudia Walker proposed an extension of the UGB.

Discussion continued and Tim Bernier noted that development is driven purely by economics. Byron Champlin expressed that based on the information presented, he could not make a decision concerning the expansion of the UGB. Allen Bennett noted his neighborhood, 10 years ago, was mostly single family homes. Today those homes have been turned in multi-unit buildings and he agreed with Mr. Bernier that it is economically driven. The economy changes in cycles and keeps coming and going around.

Matt Walsh, in reference to Mr. Bernier's earlier point that there were no development/redevelopment opportunities within the UGB, cited several properties where he believed redevelopment would be possible: Garvins Falls, Rivco site, South End mill yard, Tannery, Abbott Village, Aranosian parcel, Beede Electric, etc.

Mr. Walsh suggested that what EDAC may want to consider is an overlay whereby a portion of the RO could have higher density based on a particular set of parameters.

Chairperson Carley asked if a straw vote was taken at this time, who would vote to submit this recommendation to allow duplexes in the RO district and there was no majority - only 5 in favor.

Peter Cook inquired if the report could note that EDAC could not reach a majority but still reference this recommendation in the report to City Council. Chairperson Carley noted EDAC could reference to City Council that we could not reach consensus but we had a discussion to overlay the districts. Could a consensus to recommend examining the possibility of an overlay district to allow development adjacent to and outside the UGB (a buffer zone) be reached? Ms. McClure observed, however, that her experience with transitional zoning districts to date has demonstrated that they tend to generate problems with traffic, lighting, and other issues for residents deriving from a nearby more intense use.

Consensus: EDAC recommends examining an overlay district outside but adjacent to the UGB that would allow for greater flexibility in development than what is presently allowed.

Item 7: The open space threshold in the RO zone should be scaled and applied only on the sub-divided lot: Tim Bernier explained that—under the cluster zoning ordinance—when a lot is sub-divided, 60% of the parent lot must remain open space. He

cited an example of an owner of a 50 acre parcel that simply wanted to sub-divide one 2 acre lot for her daughter. This minor action would have resulted in 30 acres or more of the parent tract being placed into open space protection.

Mr. Baía indicated that this is problem with the ordinance that staff itself has also recognized.

Ms. McClure also cited reservations about the cluster zoning ordinance expressed by the Conservation Commission specific to the enforceability of scattered open space easements resulting from the ordinance. With limited staff and resources, it is impossible to ensure that all open spaces created as a result of the cluster ordinance are monitored and maintained. She feared that this would potentially create a liability that the City could not effectively remedy.

Ms. McClure suggested that EDAC recommend a study of the cluster ordinance. Chairperson Carley indicated that he did not feel it appropriate for EDAC's study to simply recommend another study.

It was felt that more information and discussion was needed on this item. It was tabled until the April meeting.

III. CITYWIDE ZONING FORUM

Chairperson Carley noted that Jeff Taylor had sent a letter requesting input as to which date would be best to hold the Joint Boards/Committees discussion after the two public forums being held March 23rd and March 27th. EDAC decided that the joint committees meeting should be held Tuesday, April 13, 2010. Staff will inform Mr. Taylor of EDAC's decision.

(IV. Building Permits Info: this item was not discussed at today's meeting)

V. OTHER BUSINESS

Library Task Force Open House: Jan McClure distributed a flyer announcing the open house at the Concord Public Library on Tuesday, March 9th from 4:00 - 7:00 P.M. She asked to have the flyers posted and she urged everyone who can to please attend.

VI. ADJOURNMENT

There being no further business and upon a motion duly made and seconded, the meeting adjourned at 9:05 A.M.

Respectfully submitted,

Beverly A. Rafferty
Administrative Assistant